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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,708	03/24/2004	John Paul Hobgood	A04003US (98864.1)	5617

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EXAMINER

TSAY, FRANK

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/807,708		HOBGOOD, JOHN PAUL	
	Examiner		Art Unit	
	Frank S. Tsay		3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 13- 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 5+, "the arm portion" is indefinite, since there exist two arm portions, the recitation should be more clearly defined as to which of the two arm portion it refers to. Lines 7+, "the second end of the first arm portion" is also lacking structural support, since it is unclear what defines the second end. In (e), the recitation is confusing, since the language " pivotally attached to a second end or an extension arm portion of the arm portion" since the structural cooperative relationships between the "second end", "the extension arm portion" and "the arm portion" are indefinite.

Claim 4 is rejected, as being incomplete for omitting essential structural cooperative relationships of elements between "the cylinder" and the "first arm". The language "the first arm" is also inconsistent with "a first arm portion" in claim 1.

Claim 6, "the second arm" is incomplete.

Claim 7, the language "first arm member" is inconsistent with that of Claim 1.

Claim 8, "the device", and "moving parts of the device" are indefinite, since any of the elements in claim 1 can be a device.

Claim 9, the structural relationship between "the first articulating arm" and the tong is indefinite, is it the same as "the first arm portion" ?

Claim 10, the structural relationship between "the second articulating arm" and the tong is indefinite, is it the same as "the second arm portion" ?

Claim 13 is rejected as being incomplete for omitting essential structural cooperative relationships of elements between "a second forward shock absorbing arm" the first moment arm" and "the tong", such omission amounting to a gap between the necessary structural connections. Since it is unclear how the "shock absorbing arm" is structurally connected to the tong.

Claim 15, "the first articulation arm lacks proper antecedent support, and is also structurally indefinite. In (b) and (c), the claimed limitations are incomplete for omitting essential structural cooperative relationships of elements between the first arm, the base, and the second arm, such omission amounting to a gap between the necessary structural connections as to how they are connected to each other.

Claim 16, the language "to protect the operator of the apparatus from moving parts of the apparatus" is indefinite, since it is not clear what defines "the moving parts", and "the apparatus" is also undefined.

Claim 17, the language "provide a plurality of connection points" is not understood, as to how the connection between two structural elements could contribute to a plurality of connection points.

Claim 18, "the pivot points between the first arm and the base" is structurally indefinite judging the fact that in claim 1, there never has been a description that "the first arm" is being pivotally attached to the base as a multiple positions.

Claim 19 is indefinite for the same reason as claim 17.

Claim 20, "the connection points" is indefinite, as there is no indication that the cylinder, the base and the arms are of points (or hinge) connections. The recitations of the claim are also confusing and are not understood.

Claim 21, "the first articulating arm" lacks proper antecedent support. The language "a tong" attached to the second arm" is also structurally indefinite, since it is not clear who the "second arm" is structurally attached to both the first arm and the tong.

Claim 22 is indefinite because "a tong guide" has been recited twice for different structural connections and operational functions. The cooperative relationships the tong guide system and its connected structure should be more clearly defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 15, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (US 3,994,350).

The tong positioning apparatus is met by the the positioning mechanism 150 of Fig. 10, wherein the power means is met by the hydraulic cylinder 156, the articulating means is anticipated by the short arm secured at one end to the cylinder 156. The second end of

the articulating means or short arm is clear shown to be connected to a tong 150 having jaws 162, 164 to impart a tubular 38. The base is met by mast 30 of the same Figure.

Allowable Subject Matter

Claims 1-10, and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 13, 14, 16-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

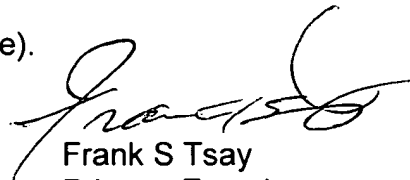
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McArthur and Dinsdale all show tong and positioning devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S. Tsay whose telephone number is (571) 272-7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571)272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frank S Tsay
Primary Examiner
Art Unit 3672

1/17/06